

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Shirley A. McKenzie,)	C/A No.: 0:09-1059-JFA-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Michael J. Astrue,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

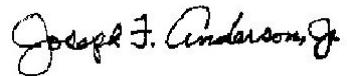
This matter is before the court upon motion of the plaintiff's counsel, W. Daniel Mayes for attorney's fees pursuant to the Equal Access to Justice Act, (EAJA) 28 U.S.C. § 2412. The Commissioner has responded with a consent motion to approve the stipulation entered into by the parties. Such stipulation sets forth the parties' agreement that the Commissioner shall pay the plaintiff \$4,493.00 for attorney's fees under EAJA.

Upon review of the material submitted to the court, the plaintiff's motion for attorney's fees is granted in part to the extent the amount to be paid does not exceed the stipulated amount of \$4,493. The parties' joint motion to approve the stipulation is granted.

Payment of the fees and expenses noted herein shall constitute a complete release from and bar to any and all claims plaintiff may have relating to EAJA fees in connection with this action. The stipulation constitutes a compromise settlement of plaintiff's EAJA fees claim and does not constitute an admission of liability on the part of the defendant under EAJA. This

award is without prejudice to the right of plaintiff to seek attorney's fees under Section 206(b) of the Social Security Act, subject to the off-set provisions of the EAJA.

IT IS SO ORDERED.



April 12, 2010
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge